

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: <u>8/28/2023</u>

YHANKA VERAS,

Plaintiff,

22-CV-00056 (JLR)(SN)

-against-

ORDER TO SHOW CAUSE

NYC DEPARTMENT OF EDUCATION, et al.,

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

WHEREAS, the NYSBA Rules of Professional Conduct provide that a “lawyer . . . shall not engage in conduct that is prejudicial to the administration of justice,” and that a “lawyer . . . shall not engage in any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.” R. 8.4(d), 8.4(h).

WHEREAS, the ABA Model Rules of Professional Conduct, provide that a “lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials.” Preamble: A Lawyer’s Responsibilities, ¶ 5.

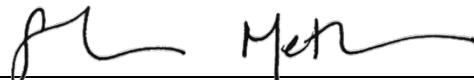
WHEREAS, on July 19, 2023, Plaintiff’s counsel, Kissinger Sibanda, called the courthouse and spoke to the Director of Judicial Services and the Assistant Director of Judicial Services in a rude, combative, and unprofessional manner, inconsistent with his duties as an officer of the Court and a member of the bar.

WHEREAS, on August 25, 2023, Mr. Sibanda once again called and spoke in an inappropriate and hostile manner to a docket clerk.

IT IS THEREFORE ORDERED THAT Plaintiff's counsel shall show cause why he should not be subjected to sanctions including a bar on calling courthouse staff and henceforth be required to submit all communications in writing.

IT IS FURTHER ORDERED THAT Plaintiff file a sworn declaration addressing these two instances and explaining why such conduct is not inconsistent with Mr. Sibanda's obligations as an officer of the Court to demonstrate respect for Court staff. Such filing shall be made no later than September 15, 2023.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: August 28, 2023
New York, New York